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H.C.P.No.1510 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10..01..2023

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1510 of 2022

M.Diviya,
W/o David @ Kevinraj
@ John Solaman

..... Petitioner

-Versus-

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai 600009.
- 2.The Commissioner of Police/
Detaining Authority,
Greater Chennai,
Vepery, Chennai.
- 3.The Additional Superintendent of Police,
Central Prison-II,
Puzhal, Chennai.
- 4.The Inspector of Police, Team-4,
EDF-II, CCB-II cum Sponsoring Authority,
Vepery, Chennai.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus for the records in connection with detention order passed by the 2nd respondent dated 29.06.2022 made in proceedings in BCDFGISSSV No.178/2022 against the petitioner's husband viz., David @ Kevinraj @ John Solomon, S/o Amalraj, aged 30 years before this court and set him at liberty.

For Petitioner : Mrs.R.Subathra Devi

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the wife of the detenu viz., David @ Kevinraj @ John Solomon, S/o Amalraj, aged 30 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.178/2022 dated 29.06.2022, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the seizure mahazar pertaining to the ground case has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, Page No.359 of the booklet, it is clear that the seizure mahazar pertaining to the ground case has not been properly translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.178/2022 dated 29.06.2022 passed by the second respondent is set aside. The detenu viz., David @ Kevinraj @ John Solomon, S/o Amalraj, aged 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)
10..01..2023

Index: Yes/No
gm



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To

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2. The Commissioner of Police/
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Vepery, Chennai.
3. The Additional Superintendent of Police,
Central Prison-II,
Puzhal, Chennai.
4. The Inspector of Police, Team-4,
EDF-II, CCB-II cum Sponsoring Authority,
Vepery, Chennai.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
6. The Public Prosecutor,
High Court, Madras.



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AND
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